



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,730	05/23/2000	David Creemer	PAILM-2976.US.P	4739

7590 07/30/2003

Wagner Murabito & Hao LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 07/30/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/576,730

Applicant(s)

CREEMER, DAVID

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 30 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: *Chen*

### DETAILED ACTION

1. Claims 1-16 have been examined

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 rejected under 35 U.S.C. 103(a) as being unpatentable over in combination of Abdous et al, US Patent Number 5,577,210, herein after Abdous, and Boothby, US Patent Number 6,405,218, and Schwitters et al. US Patent Number 6,526,413, Hereinafter Schwitters. .

4. Referring to claim 1, Abdous has taught a data processing system comprising:

a bootstrap server (item 1 figure 1 and Col 2 lines 3-4) having an extended set of communication functions stored thereon (Col 2 lines 9-15);

a personal digital assistant (Item 21 figure 1, Col 2 lines 3-4, at least one terminal, this electronic terminal which is a digital device that help a person to organized or computing data could be named a personal digital assistant.) having a core set of communication function in non-volatile memory thereon (this is a inherent feature, a digital terminal required software in the non-volatile in order to communicate with the server, without this core set of communication function. The terminal is only a non operational object,) said core set of communication function operable to allow said

Art Unit: 2155

personal digital assistant to communicate with said bootstrap server (Col 2 lines 4-5, the terminal is remotely booted by the server.)

wherein said bootstrap server is for transferring said extended set of communication functions to said personal digital assistant using said core set of communication functions (Col 2 lines 3-14, Abdous taught a method for remote booting by a server of at least one terminal. In order for a server to remotely boots a terminal, said terminal must already contains a set of code for initially connected with the server (this is viewed as a core set of communication functions), and the code updated received by the terminal is viewed as the extended set of communication functions );

Abdous has not taught an enterprise server operable to connect to said personal digital assistant, wherein said personal digital assistant and said enterprise server communicate and transfer information with said personal digital assistant using said extended set of communication.

However, Schwitters has taught enterprise server (item 24 figure 1) operable to connect to said personal digital assistant (item 22 figure 1), wherein said personal digital assistant and said enterprise server communicate and transfer information with said personal digital assistant using a extended set of communication (a software is required for server and PDA to communicate.).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have Abdous's terminal (PDA) to be able connected to a enterprise server, which is operable to connect to Abdous's terminal, wherein said

Art Unit: 2155

terminal and said enterprise server communicate and transfer information with said terminal using a extended set of communication as described by Schwitters,

A person with ordinary skill in the art would have been motivated to make the modification to Abdous because PDA requires a set of communication functions in order to communicate with the enterprise server, and the bootstrap server of Abdous is transferring data to the PDA, a person with ordinary skill in the art would realized that the required data to communicate between PDA and enterprise server could also be saved in the bootstrap server to backup the data or software required to communicate between PDA and enterprise server.

5. Referring to claim 2, Abdous has further taught wherein said bootstrap server and said personal digital assistant are operable to communicate via a Ethernet connection (Col 3 lines 54-56)

Abdous has not taught the communication via a telephone line. However, Boothby has taught the communication between the server and personal digital assistant could be connected via a telephone lines.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have Abdous's bootstrap server and terminal to communicate via a telephone line.

A person with ordinary skill in the art would have been motivated to make the modification to Abdous because bootstrap server and the terminal of Abdous requires a connection means for communication and Boothby provides a variety of connection means for server and remote computers to connects. It would be obvious for Abdous to

use Boothby's connection means including telephone lines to adapt more communication methods.

6. Referring to claim 3, Abdous combined with Schwitters has taught an invention as described in claim 1, Schwitters has further taught wherein said personal digital assistant communicates with said enterprise server over the Internet (see Figure 1 item 24);
7. Referring to claim 4, Abdous has further taught wherein said core set of communication functions is synchronization logic (Col 2 lines 9-11, when the data in the server side is being recopied into an image file and send to a terminal is considered as synchronizing.)
8. Referring to claim 5, claim 5 encompasses the same scope of the invention as that of the claims 1 and 4. Therefore, claim 5 is rejected for the same reason as the claims 1 and 4.
9. Referring to claim 6, Abdous has further taught wherein step c) comprises the step of:  
transferring an extended set of communication functions from said bootstrap server to said portable computer system (Col 2 lines 3-14);
10. Referring to claim 7, claim 7 encompasses the same scope of the invention as that of the claim 2. Therefore, claim 7 is rejected for the same reason as the claim 2.
11. Referring to claim 8, Abdous combined with Schwitters has taught an invention as described in claim 5. Abdous combined with Schwitters has not taught wherein said data was backed up on said enterprise server from a pervious synchronization between said enterprise server and said portable computer system.

However, Boothby has taught synchronizing the records of the local and remote databases by using a history file ... which records have been changed, since the previous

synchronized and which records of the two databases correspond to one another (Col 5 lines 43-51).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have Schwitters's data backed up on its server from a pervious synchronization between said server and said portable computer system.

A person with ordinary skill in the art would have been motivated to make the modification to Abdous and Schwitters because having the memory in both portal computer and the enterprise server synchronized would allow two systems to be more compatible to each other (Col 1 lines 40-54).

12. Referring to claim 9, Abdous has further taught wherein said portable computer system is a personal digital assistant (Item 21 figure 1, Col 2 lines 3-4, at least one terminal, this electronic terminal which is a digital device that help a person to organized or computing data could be named a personal digital assistant.)

13. Referring to claim 10, claim 10 encompasses the same scope of the invention as that of the claim 3. Therefore, claim 10 is rejected for the same reason as the claim 3.

14. Referring to claims 11-16, claims 11-16 encompass the same scope of the invention as that of the claims 5-10. Therefore, claims 11-16 are rejected for the same reason as the claims 5-10.

### ***Response to Arguments***

15. Applicant's arguments filed 06/30/2003, paper number 5, have been fully considered but they are not persuasive.

16. In that remarks, applicant's argues in substance:

- a. That: "Abdous fails to teach or suggest a server transferring an extended set of communication functions onto the terminals using core set of communication functions." (Page 8).

This is found not persuasive because Abdous does teach or suggest a server transferring an extended set of communication functions onto the terminals using core set of communication functions (Col 2 lines 3-14, Abdous taught a method for remote booting by a server of at least one terminal. In order for a server to remotely boots a terminal, said terminal must already contains a set of code for initially connected with the server (this is viewed as a core set of communication functions), and the code updated received by the terminal is viewed as the extended set of communication functions. Applicant has also stated on page 9, "Abdous teaches that the necessary code for the terminals to communicate with the server and to receive code updates is stored in PROM on the terminals. Because the code necessary to communicate with the server and to receive code updates is already in PROM on the terminals...", the code necessary to communicate with server is viewed as the "core set of communication functions", and the code updated received (transferred from server) is viewed as an extended set of communication functions.

- b. That: "cited combination fails to teach or suggest "regains basic functionality for connecting to an enterprise server." (Page 10)



Art Unit: 2155

This is not found persuasive because as discussed above, Abdous does teach a stored basic code for communicating with the bootstrap server. However, the stored basic code does not allowed the terminal to connect to the enterprise server, this is taught as an combination of Abdous and Schwitters, that the code updated received from the bootstrap server allows the terminal to connect to the enterprise server. Therefore, the basic functionality for connecting an enterprise server is regained after the code updated is received from the bootstrap server.

- c. That: Abdous fails to teach or suggest that "a server appears to the portable computer system as a desktop computer system."

This not found persuasive because Abdous does teach a server appears to the portable computer system as a desktop computer system (see Figure 1.) It is well known in the art that a computer system could be designed in a portable type or desktop type.

### *Conclusion*

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2155

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Liang-che Alex Wang *lw*  
July 28, 2003

